UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,244	07/30/2001	Anil K. Kumar	INTL-0599-US (P11740)	2277

21906	7590	04/28/2006	EXAMINER

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EXAMINER
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ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/918,244	KUMAR, ANIL K.
	Examiner	**Art Unit**	
	Christopher P. Grey	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

     1.☐ Certified copies of the priority documents have been received.

     2.☐ Certified copies of the priority documents have been received in Application No. _____.

     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1.   Claims 1-3, 5-7, 9, 11, 12, 14 and 15 are rejected under 35 U.S.C. 102(a) as

being anticipated by Tuomainen et al. (US 2001/0015963) hereinafter referred to as

Tuomainen.

Claim 1, 5, 9 Tuomainen discloses automatically closing packet data service application

software if the mobility management (paragraph 0017) state is idle (abstract and

paragraph 0025 and see claim 1).

Claim 2, 6, 14   Tuomainen discloses wherein if the mobile subscriber is in a packet

data service network, continuing with active packet data service applications if the

mobility management state is ready (paragraph 0022 and 0045).

Claim 3, 7, 15   Tuomainen discloses wherein if the mobile subscriber is on a

packet data service network, suspending the current packet data service applications if

the subscriber is in the standby state (paragraph 0023).

Claim 11   Tuomainen discloses several different components performing application

processing as disclosed in Col 0025. Furthermore, a cellular telephone may inherently

utilize several different application processors.

Claim 12   Tuomainen discloses a baseband part (paragraph 0025).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 4 , 8, 13 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Tuomainen et al. (US 2001/0015963)

Claim 4, 8, 16   Tuomainen discloses data transfer using a circuit switched network

(paragraph 0002).

Tuomainen does not specifically disclose closing all packet data service

applications if a mobile subscriber is within the circuit data service network.

However, Tuomainen discloses switching off all functional blocks when not

needed, where the functional blocks are dedicated for a packet switched network

(paragraph 0025 and see the rejection of claim 1), therefore if the subscriber is in a

circuit switched network, there is no need for some of these functional blocks to be on.

It would have been obvious to one of the ordinary skill in the art to recognize that

when a subscriber is in a circuit switched network, the subscriber is not connected to

the mobility management of the packet switched network (paragraph 0021), therefore

there is no need for packet network service data (paragraph 0025).

Claim 13   Tuomainen does not specifically disclose the baseband processor storing

a call model.

However Tuomainen discloses the mobile station having memory and functioning to perform several different call processing functions (paragraph 0039 and fig 6) equivalent to the broadly interpreted call model.

It would have been obvious to one of the ordinary skill in the art at the time of the invention that a call model may be stored in several components within the mobile station, where each component within the mobile station is capable of performing call processing.

3.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuomainen et al. (US 2001/0015963) in view of Illidge et al. (US 20020085514) hereinafter referred to as Illidge.

Claim 10   Tuomainen does not disclose a storage wherein the storage stores second generation and third generation applications.

Illidge discloses a mobile station capable of transistioning to and from second Generation and third generation services using a negotiation procedure (paragraphs 0029-0031 and 0006). Where it would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the mobile station as disclosed by Tuomainen with the second generation and third generation options as disclosed by Illidge, where having two separate options can be broadly interpreted as using 2 separate applications or one single application to implement this. The motivation fot his modification is to allow the mobile station to support both first and second generation data sessions (see abstract).

Response to Arguments

4.   Applicant's arguments with respect to claim 1-16 have been considered but are

moot in view of the new ground(s) of rejection.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher P. Grey whose telephone number is

(571)272-3160. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chau Nguyen can be reached on (571)272-3126. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Grey
Examiner
Art Unit 2616

CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
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